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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,239	10/24/2005	Klaus Ludwig Christmann	W1.2112 PCT-US	3127

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11/26/2008

EXAMINER

BANH, DAVID H

ART UNIT	PAPER NUMBER
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2854

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/554,239	Applicant(s) CHRISTMANN ET AL.	
	Examiner DAVID BANH	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48,59,62-64,89 and 92 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48,59,62-64,89 and 92 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/25/2005, 2/28/2007, 9/05/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 59, 89 and 90 are objected to because of the following informalities: The claims depend upon cancelled claim 49. In a telephone conference, it was agreed upon that the claims were intended to depend upon independent claim 48 and will be examined as such. Appropriate correction is required.

Election/Restrictions

2. Claims 50-58, 60, 61, 65-88, 90 and 91 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on October 31, 2008.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 48, 59 and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michalik et al. (US Patent 5,503,379) in view of Hansen (US Patent 5,622,113).

Michalik et al. teaches a folding apparatus (see Figure 1, the invention in general) for a web fed rotary printing press (column 3, lines 20-25), the folding apparatus adapted to fold a web printed in the printing press (column 3, lines 20-25). Michalik et al. teaches a transport cylinder **9** with at least seven web sections, a folding jaw cylinder **11** and a cutting cylinder **8**. Michalik et al.

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does not teach a printing unit adapted to print at least six axially arranged side-by-side pages on a web passing through the printing unit and that the cutting cylinder has at least four cutters working with the transport cylinder being arranged one behind another. However, Hansen teaches a printing unit for printing at least six pages on a web passing through the printing unit (column 1, lines 22-30). Additionally, Hansen teaches a cutting cylinder **12** comprising at least four cutters **18** (see Figure 1) arranged on the cutting cylinder. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a printing unit for printing a web with at least six axially arranged side-by-side pages in order to produce material for folding quickly and to provide four cutters on a cutting cylinder so that the cylinder can cut four times per revolution and thus will be able to revolve slower and more safely while producing the same amount of work.

For claim 59: Michalik et al. teaches that the transport cylinder, cutting cylinder and folding jaw cylinders may be driven by a common single motor (column 3, lines 50-52).

For claim 89: Hansen teaches in its cutting cylinder **12** that the cutters **18** are spaced equally apart, and thus at exactly 90 degrees from one another.

5. Claims 62-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michalik et al. (US Patent 5,503,379) and Hansen (US Patent 5,622,113) as applied to claim 59 above, and further in view of Stein et al. (US Patent 5,676,056).

The combination of Michalik et al. and Hansen teaches all of the limitations of claim 62 and 63 as found in claim 59 above. The combination does not teach where the drive motor can be disposed. However, Stein et al. teaches that drive motors can be disposed on any cylinder (column 3, lines 45-55). Thus, it would be obvious to one of ordinary skill in the art at the time

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the invention was made to provide the drive on either the cutting cylinder or the transport cylinder to allow it to drive the three cylinders.

The combination of Michalik et al. and Hansen teaches all of the limitations of claim 64 as found in claim 59 above. The combination does not teach a geared drive between the drive motor and the cylinders. However, Stein et al. teaches the use of geared drives to connect the cylinders of a folding apparatus (column 3, lines 45-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use geared drives to connect the drive motor to the three cylinders taught by the combination of Michalik et al. and Hansen for the purpose of allowing a single drive motor to efficiently drive all three cylinders.

6. Claim 92 is rejected under 35 U.S.C. 103(a) as being unpatentable over Michalik et al. (US Patent 5,503,379) and Hansen (US Patent 5,622,113) as applied to claim 48 above, and further in view of Inoue (US Patent 4,158,417).

The combination of Michalik et al. and Hansen teaches all of the limitations of claim 92 as found in parent claim 48 above. The combination does not teach that the cutting cylinder acts with the transport cylinder as a thrust element. However, Inoue teaches the cutting cylinder as a thrust element. It would have been obvious to one of ordinary skill in the art to use the cutting cylinder as a thrust element for severing the web and partitioning it.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID BANH whose telephone number is (571)270-3851. The examiner can normally be reached on M-Th 9:30AM-8PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571)272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DHB
November 21, 2008

/Daniel J. Colilla/
Primary Examiner
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